

1195 RIGHT OF WAY: LEFT TURN AT INTERSECTION

The Wisconsin statutes define “right of way” as the privilege of the immediate use of the roadway¹ and, further provide, that the operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction shall yield the right of way to that vehicle.²

The word “approaching” involves a concept of nearness in space and time. A vehicle is approaching an intersection when it is not so far distant from the intersection that, considering the speed at which it is traveling, it is reasonable to assume that a collision will occur if the operator of the vehicle intending to turn left undertakes to do so by changing the course of the vehicle from the right lane, across the center line, and into the path of the oncoming vehicle.

If you find that the oncoming vehicle was approaching the intersection, it became the duty of the operator turning left to yield the right of way to the approaching vehicle.

NOTES

1. Wis. Stat. § 340.01(51).
2. Wis. Stat. § 346.18(2).

COMMENT

The instruction and comment were originally published in their present form in 1967. The instruction was revised in 1992 and 2008. Editorial changes were made in 1992 to address gender references in the instruction. This revision was approved by the Committee in September 2021.

Driver or Operator. This instruction applies to either an operator or a driver of a motor vehicle. If “driver” is more appropriate to the evidence, then substitute “driver” for “operator.”

Wis. Stat. § 346.18(7) provides: “The operator of any vehicle intending to turn to the left into an alley or private driveway across the path of any vehicle approaching from the opposite direction shall yield the right of way to such vehicle.” Thus this statute does impose a duty on the left turning operators independent of lookout. Zartner v. Scopp, 28 Wis.2d 205, 216, 137 N.W.2d 107 (1965).

For the definition of “intersection,” see Wis. Stat. § 340.01(25).

See Plog v. Zolper, 1 Wis.2d 517, 529, 85 N.W.2d 492 (1957).

Rights and duties of bicyclists. Different right-of-way standards apply depending on whether a bicyclist was using the roadway as any other vehicle or as a pedestrian upon a sidewalk or within a crosswalk. See Chernetski v. American Family Mutual Insurance Co., 183 Wis.2d 68, 515 N.W.2d 283 (1994) and Estate of Zhu v. Hodgson, 2021 WI App 10, 395 Wis.2d 768, 954 N.W.2d 748.